

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., August 19, 2013

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Revenue: Commission on Gaming: (August 13, 2013) is proposing to amend Gaming rules to allow licensees to immediately review available surveillance or slot machine event logs in the event of a possible patron dispute; allow manufacturers to be responsible for minimum bankroll requirements and to clarify the requirement for 85 percent of immediate exposure to be in cash; add Dealer Bust 21 to the list of authorized blackjack games; recognize the Legislature's increase in wage limits passed in 2012; add Fortune Pai Gow poker to the list of authorized poker games; allow variations in the payout of the game of Texas Hold'em to include variations known as High Hold'em and Low Hold'em; define "static jackpot award"; recognize a request from industry to allow manufacturers to pay static jackpot awards; allow for static jackpot awards to be paid by annuity; allow licensees liable for payment of prizes in excess of \$100,000 to utilize minimal bankroll requirements rather than utilize cash deposits or performance bonds; allow the Commission to require performance bond for static jackpot awards; allow for licensed manufacturers to pay jackpot awards; clarify the requirements of server-supported gaming system; clarify the requirements for server-supported gaming systems; update existing rules to comply with a prior change which allows 6 to 5 payout odds in blackjack; and exempt linked progressive slot machines with a denomination of five cents or less from the requirements of surveillance coverage until the progressive award reaches \$5,000. The general authority for these rules, as

cited by the commission, is SDCL §§ 42-7B-4, 42-7B-7, and 42-7B-11.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on September 11, 2013, at 9:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by September 9, 2013, to be considered. However, the Commission requests that all written comments be received by September 6, 2013, to allow for adequate consideration prior to the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Board of Water and Natural Resources: (August 13, 2013) intends to amend a rule to make adjustments to the director areas of the South Central Water Development District. The general authority for this rule, as cited by the department, is SDCL§ 46A-3C-6.

A public hearing will be held on September 27, 2013, at 1:00 p.m. CDT via the Digital Dakota Network at the following locations: State Capitol Building, 500 E. Capitol Avenue, Room B12, Studio A, Pierre; South Dakota School of Mines & Technology, 501 E. St. Joseph, Classroom Building, Room 109, Rapid City; University Center, 4801 N. Career Avenue,

Room FADM 145, Sioux Falls; Department of Labor, 2001 9th Avenue SW, Suite 200, Watertown; Northern State University, 1200 S. Jay Street, Beulah Williams Library, Room 117, Aberdeen; South Dakota State University, 101 Pugsley Center, Room 205, Brookings; Mitchell Technical Institute, 1800 East Spruce Street, Tech Center Building, Room 155, Mitchell; Black Hills State University, 1200 University Street, E.Y. Berry Library, Room LIB 011, Spearfish. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Environment and Natural Resources, Division of Financial and Technical Assistance, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3181. Copies may also be accessed on the department's web page at <http://denr.sd.gov/public/default.aspx>. Written comments must reach the Board of Water and

Natural Resources by September 26, 2013, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4216 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-22-2013	Transportation	Amend Speed Zone rules in Pennington, Butte, Custer, Harding, and Meade Counties; 40 SDR 29.
8-26-2013	Social Services: Board of Addiction and Prevention Professionals	Amend rules to update terminology; update internal references; provide for a licensure option and establish the requirements and criteria for licensure; combine and modify current certification levels and tracks into one designation; outline processes for obtaining and renewing recognition, certification, and licensure; repeal obsolete and unnecessary provisions; specify application deadlines; outline practices for application review and grounds for denial of application; update fees; update academic and work experience requirements; provide a grandfather provision for current practitioners; clarify approval process for specialized education courses; outline qualifications for independent practice; update clinical supervision standards; eliminate oral interview requirement; update examination and retesting requirements; clarify continuing professional training requirements and related documentation requirements; add a

		reinstatement period; revise status upgrade provisions; clarify reciprocity provisions; modify acronyms and certification requirements to correspond with the International Certification & Reciprocity Consortium (IC&RC); and clarify complaint and investigation procedures; 40 SDR 30.
9-11-2013	Revenue: Commission on Gaming	Amend Gaming rules to allow licensees to immediately review available surveillance or slot machine event logs in the event of a possible patron dispute; allow manufacturers to be responsible for minimum bankroll requirements and to clarify the requirement for 85 percent of immediate exposure to be in cash; add Dealer Bust 21 to the list of authorized blackjack games; recognize the Legislature's increase in wage limits passed in 2012; add Fortune Pai Gow poker to the list of authorized poker games; allow variations in the payout of the game of Texas Hold'em to include variations known as High Hold'em and Low Hold'em; define "static jackpot award"; recognize a request from industry to allow manufacturers to pay static jackpot awards; allow for static jackpot awards to be paid by annuity; allow licensees liable for payment of prizes in excess of \$100,000 to utilize minimal bankroll requirements rather than utilize cash deposits or performance bonds; allow the Commission to require performance bond for static jackpot awards; allow for licensed manufacturers to pay jackpot awards; clarify the requirements of server-supported gaming system; clarify the requirements for server-supported gaming systems; update existing rules to comply with a prior change which allows 6 to 5 payout odds in blackjack; and exempt linked progressive slot machines with a denomination of five cents or less from the requirements of surveillance coverage until the progressive award reaches \$5,000; 40 SDR 35.
9-26-2013	Agriculture: SD Value Added Finance Authority	Amend rules to make changes to the value added sub fund rules upon moving the fund from the Governor's Office of Economic Development to the Department of Agriculture; through the South Dakota Value Added Finance Authority; 40 SDR 25.

9-27-2013	Environment and Natural Resources: Board of Water and Natural Resources	Amend a rule to make adjustments to the director areas of the South Central Water Development District; 40 SDR 35.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 20, 2013, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: September 17, November 12, and December 17.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.